

REMARKS

This paper is submitted in response to the pending Office Action mailed on November 1, 2005. Because this amendment is submitted with a certificate of mailing in compliance with 37 C.F.R. §1.8 on or before the shortened statutory period for reply set to expire on **February 1, 2005**, this amendment is timely filed.

I. INTERVIEW SUMMARY

Applicant wishes to thank Examiner Nguyen for the help and cooperation afforded Applicant's representative Matthew T. Ridsdale, Reg. No. 56,832, during the telephonic interview conducted on January 5, 2006. Applicants' representative and Examiner Nguyen discussed and agreed that the present application and newly-cited U.S. Patent No. 6,628,498 are commonly owned, assigned and share at least one common inventor. Examiner Nguyen requested Applicant file a declaration affirming the same, and indicated that the rejections based on this reference would be overcome and withdrawn. In order to facilitate the prosecution of this application, Applicant has prepared and submits an appropriate Declaration. In light of this agreement and the contemporaneously filed Declaration, Applicant asserts that the rejections based on this reference have been rendered moot and must be withdrawn.

II. STATUS OF THE CLAIMS

Claims 1 to 48 are pending in this application. Claim 1 has been amended. No other claims have been added or canceled by the Response. Applicant submits that no new matter has been introduced by this Response.

It is believed that no additional fees are due in connection with this Response, however, please charge **Deposit Account No. 02-1818** for any fees deemed owed.

III. CLAIM REJECTIONS

Claims 1 to 19 have been rejected under 35 U.S.C. §112, first paragraph as or failing to comply with the written description requirement. Claims 20 to 48 have been rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,628,498 to Whitney et al. (hereinafter "*Whitney*").

A. REJECTIONS UNDER 35 U.S.C. §112

Applicant respectfully traverses the rejection of claims 1 to 19. In particular, claims 1 to 19 have been amended to recite, in relevant part, an overvoltage protection

portion disposed on the surface via an attachment structure, the attachment structure disposed between physically separating the overcurrent protection portion and the overvoltage protection portion, and configured to thermally couple the overvoltage protection portion thermally coupled to the overcurrent protection portion. Applicant submits that support for these amendments can clearly be found in the original specification, at least at, these page 10, lines 3 to 22¹ and FIGS. 3 to 5. Accordingly, Applicants respectfully request the withdrawal of the pending indefiniteness rejection of claims 1 to 19.

B. REJECTIONS UNDER 35 U.S.C. §102

Applicant respectfully traverses the rejection of claims 20 to 48 as anticipated by *Whitney*. In particular, Applicant submits that *Whitney* does not anticipate nor even constitute prior art, because these references are assigned, or subject to assignment to a common entity, and claim priority to the same, now abandoned, U.S. patent application serial No. 09/649,533. The facts related to these applications and their status are attested to in the contemporaneously filed declaration, titled "Declaration of Stephen J. Whitney under 37 C.F.R. §1.132". For all of these reasons, Applicant submits that claims 20 to 48 are not anticipated by *Whitney* and requests withdrawal of the pending rejections.


¹ Corresponding to paragraphs [0045] to [0047] of the published application.

IV. CONCLUSION

For the foregoing reasons, Applicant respectfully submits that the above-identified patent application and claims 1 to 48 are in condition for allowance and earnestly solicits reconsideration of same. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting prosecution of this application.

Respectfully submitted ,

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